

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK RUMBURG,

Plaintiff,

v.

Case No. 10-CV-11670-DT

SECRETARY OF THE ARMY, JOHN M.
MCHUGH,

Defendant.

ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION TO DISMISS

On November 18, 2010, the court issued an order which provided that if Plaintiff filed an amended complaint then the court would deny without prejudice the pending motion to dismiss, as that motion is directed at the original complaint. Plaintiff has since filed, by stipulation, an amended complaint. Accordingly,

IT IS ORDERED that Defendant's motion to dismiss [Dkt. # 30] is DENIED WITHOUT PREJUDICE. As stated in the November 18, 2010, order, Defendant shall have until **January 10, 2011**, to file its answer or dispositive motion.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 27, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 27, 2010, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522